

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BENJAMIN ACOSTA NEVAREZ,

Plaintiff,

v.

No. 16-cv-1323 MV/SMV

**ROBERT M. SPEER,
Acting Secretary of the Army,¹**

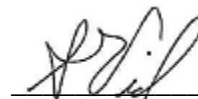
Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed his Complaint on December 5, 2016. [Doc. 1]. Plaintiff had 90 days from filing the Complaint, or until March 6, 2017, to effect service of process. Fed. R. Civ. P. 4(m) (2015). There is no indication on the record that service of process has been effected.

IT IS THEREFORE ORDERED that Plaintiff show good cause why his claims should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff must file his response no later than **May 26, 2017**.

IT IS SO ORDERED.



**STEPHAN M. VIDMAR
United States Magistrate Judge**

¹ Robert M. Speer is now the Acting Secretary of the Army. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Robert M. Speer should be substituted for Secretary Eric K. Fanning as the defendant in this suit.